

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>SHIRDENIA BRYANT, et al.</b>	:	<b>Civil Action No. C-1-02-006</b>
<b>Plaintiffs</b>	:	<b>(Judge Spiegel)</b> <b>(Magistrate Judge Novotny)</b>
<b>vs.</b>	:	
<b>PRESCOTT BIGELOW, IV, et al.</b>	:	<b><u>DEFENDANTS PRESCOTT</u></b> <b><u>BIGELOW IV AND ROSEANNE</u></b>
<b>Defendants</b>	:	<b><u>CHRISTIAN MOTION TO</u></b> <b><u>VACATE TRIAL DATE</u></b>

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The Defendants, Prescott Bigelow, IV and Roseanne Christian, hereby move this Court to vacate the trial date, currently scheduled on an on deck basis for February 10, 2004. The basis of this motion is that the Plaintiffs have not yet complied with the Order of the Magistrate Judge granting Defendants Motion to Compel Discovery (Doc. 52). The documents were ordered to be produced by December 5, 2003.

Plaintiff Curtis has been ordered to produce his employment resume. (Doc. 52) After the Magistrate Judge's Order was entered on November 25, 2003, Defendants counsel forwarded correspondence to Plaintiffs counsel requesting that the resume be provided. (App. A). To date, Curtis employment resume has not been provided, despite the order of the Court. Further, there has been no response to the correspondence from Defendants' counsel concerning when or if this resume will be furnished.

Regarding Plaintiff Bryant, transcripts of the income tax returns she was ordered to produce, were forwarded on December 5, 2003. A copy of one of the summaries is attached

hereto as (App. B). However, copies of the signed and filed returns have not been furnished. On the 10<sup>th</sup> day of December, 2003, counsel for Defendants forwarded a letter to Plaintiffs counsel requesting copies of the actual returns. (App. B) To date, there has been no response to this letter, indicating when or if copies of the actual returns will be provided. Copies of the filed returns could be obtained by Bryant from the IRS.

Plaintiffs have not furnished discovery to the Defendants, which discovery has been ordered by the court. Defendants respectfully request that the trial date be vacated until the Plaintiffs comply with the Court's discovery order.

Respectfully Submitted,

Gary R. Lewis Co., L.P.A.

/s/ Gary R. Lewis  
GARY R. LEWIS, #0017697  
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Defendant Roseanne Christian  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2003, I electronically filed the foregoing Defendants Prescott Bigelow IV and Roseanne Christian's Motion to Vacate Trial Date using the CM/ECF system and I hereby certify that the foregoing Motion was served upon William H. Blessing, Esq. Attorney for Plaintiffs, 119 East Court Street, Suite 500, Cincinnati, Ohio 45202 by regular U.S. Mail, postage pre-paid this 22nd day of December, 2003.

/s/ Gary R. Lewis

Gary R. Lewis

Attorney for Defendant Prescott Bigelow and  
Defendant Roseanne Christian